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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,157	10/12/2000	John J. Sie	19281-000800US	8624
20350	7590	02/28/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			KHATRI, ANIL	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/687,157

Applicant(s)

SIE ET AL.

Examiner

Anil Khatri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Applicant's argument in view of previous rejection is moot. This action is necessitated by applicant's amendment therefore new ground of rejection applies.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "*Method for Distributing and Storing Contents to a User's Location*".

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 1, 2, 4-15 and 17-22 are rejected under 35 U.S.C. 102(a) as being unpatentable over *Kalva et al* "Techniques for Improving the Capacity of Video on Demand Systems", Proceeding of the 29 Annual International Conference on System Science, IEEE 1996, pp 308-315.

Regarding claims 1, 8, 14 and 22

*Kalva et al teaches,*

receiving a command from the content distributor to store the content at the user location, before a user specifically request the content wherein the content comprises at least one of a video

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content or an audio content (page 309, column 2, 2<sup>nd</sup> paragraph, “user has limited buffer...”, page 311, column 1, last paragraph, “if Sn is the number of segment...is multicast”);  
processing the command sent from a remote location with respect to the user location (page 311, column 2, 2<sup>nd</sup> last paragraph “when a request is accepted...”);  
receiving the content at the user location (figures 1 and 2);  
storing the content at the user location in response to at least the processing the command (page 310, column 1, 2<sup>nd</sup> paragraph “videos are transmitted... for practical implementation”); and  
detecting a user action related to the content after storage of the content (page 310, 2<sup>nd</sup> column, last paragraph, “when a video is segmented...”, page 311, column 1, line 1, “depends on the number...by a user”).

Regarding claims 2 and 15

*Kalva et al teaches*

the content comprises at least one of a commercial and informal a show or a movie (see abstract)

Regarding claims 4, 17 and 18

*Kalva et al teaches*

user comprises a set top box (page 308, column 2, see figure 1).

Regarding claims 5, 11, 13 and 21

*Kalva et al teaches*

the storing the content comprises storing the content on a mass storage associated with set up box that is associated with user location (figures 1 and 2, page 308, column 2, 2<sup>nd</sup> paragraph, program storage and others).

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Regarding claims 6, 9, 12 and 19

*Kalva et al teaches*

determining a subset of content from liner schedule of contents associated with the content distributor (page 310, figure 3, columns 1-2, last paragraph, “the segmentation techniques... video delivery); and

transmitting the subset to the user location (figures 3-4, page 310, column 2, last paragraph, “when a video is segmented..., page 311, last paragraph, “if  $S_n$  is the number of segment... is multicast”)

Regarding claims 7, 10 and 20

*Kalva et al teaches*

processing the command comprises determining usage rules related to the content (page 310, 2<sup>nd</sup> column 2<sup>nd</sup> paragraph, “in a VOD system there... the network bandwidth”).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ANIL KHATRI  
PRIMARY EXAMINER